

Remarks

In the office action, claims 17, 18, 20-24 and 26-35 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,253,723 to Kojima et al. ("Kojima et al."). In addition, claims 19, 25, and 36-38 were rejected under 35 U.S.C. § 103(a). Specifically, claim 19 was rejected as being unpatentable over Kojima et al. in view of U.S. Patent No. 6,609,425 to Ogawa ("Ogawa"), claim 25 as being unpatentable over Kojima et al. in view of U.S. Patent No. 5,495,331 to Wulf ("Wulf"), claim 36 as being unpatentable over Kojima et al. in view of U.S. Patent No. 5,746,561 to Nygren, Jr. et al. ("Nygren, Jr. et al."), claim 37 as being unpatentable over Kojima et al. in view of U.S. Patent No. 6,529,329 to Dang ("Dang"), and claim 38 as being unpatentable over Kojima et al. in view of Nygren Jr. et al. and Dang.

In this response, Applicants have made no amendments to the claims and respectfully request reconsideration and withdrawal of the rejections in view of the following remarks.

A. Rejections under 35 U.S.C. §102(b):

Claims 17, 18, 20-24 and 26-35 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,253,723 to Kojima et al. ("Kojima et al.").

Kojima et al. describes an apparatus for optically reading optically detectable indicia on a record carrier, such as a video disc. The indicia is recorded in the form of pits on the record medium. A source of coherent light transmits a beam to the record carrier. A hologram 13 is interposed between the light source and the record carrier. The intensity of the focussed beam is modulated by the recorded indicia and at least one photodetector is disposed in an optical path traversed by the modulated beam so as to detect the intensity thereof.

Independent claims 17 and 36 recite "a device to detect a state of *a component*" (or "various states of *a component*") (emphasis added). The device includes, among other features, a receiver and a transmitter, both of which are recited as being "disposed on *the component*" (emphasis added). Claim 18 provides examples by further reciting that "the state of *the component* include at least one of a deformation state, a loading state, and a movement of *the component*" (emphasis added).

Applicants respectfully submit that Kojima et al. cannot possibly anticipate any of the claims in the application because it does not describe a transmitter and a receiver that are disposed on the same component that they are detecting. Hologram 13 and photodetector 14 are

described in Kojima et al. as being used to detect a state of record carrier 3. However, hologram 13 and photodetector 14 are not disposed on record carrier 3, but instead are disposed on holder 12, which is not in any way connected to record carrier 3. See, e.g. Fig. 2A and office action at paragraph 3. There is absolutely no disclosure in Kojima et al. of a device to detect any state of the holder 12, whether that state is a deformation, loading, or movement of the holder 12 or any other state of the holder 12.

Because the features of a receiver and a transmitter “disposed on the component” is not described in Kojima et al., and because those features are included in every claim, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b).

B. Rejections under 35 U.S.C. §103:

Claims 19, 25, and 36-38 were rejected under 35 U.S.C. § 103(a). Specifically, claim 19 was rejected as being unpatentable over Kojima in view of Ogawa and claim 25 as being unpatentable over Kojima in view of Wulf. Claim 36 was rejected as being unpatentable over Kojima in view of Nygren, Jr. et al., claim 37 as being unpatentable over Kojima in view of U.S. Dang, and claim 38 as being unpatentable over Kojima in view of Nygren Jr. et al. and Dang.

Claims 19 and 25 depend from claim 17, and claims 36-38 depend from claim 35. Thus each of those claims include the features, discussed in the preceding section, of a receiver and transmitter disposed on the component they are detecting.

As already discussed, Kojima et al. does not describe a device for detecting a state of a component having a receiver and a transmitter disposed on that component. Applicants further submit that Kojima et al. also does not teach or suggest disposing a receiver and a transmitter on the same component that they are measuring. On the contrary, mounting the hologram 13 and photodetector 14 directly onto the video disc 3 in Kojima et al. would render the invention completely inoperable.

Applicants further submit that Ogawa, Wulf, Nygren Jr. et al., and Dang also fail to describe -- or to teach or suggest -- a device for measuring a state of a component having a transmitter and a receiver disposed on the component.

Applicants therefore respectfully submit that, because none of the cited reference teach or suggest a device for detecting a state of a component having a receiver and a transmitter disposed on that component, no combination among the reference can possibly render any the claims

unpatentable.


Accordingly, Applicant requests withdrawal of the rejections to claim, 19, 25, and 36-38 under 35 U.S.C. § 103.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris (Reg. No. 38,156)

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue - 14th Floor
New York, New York 10018
(212) 736-1940